

12-29-2003

FORM PTO-1594

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

12/23/03



102633379

U.S. Department of Commerce

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.

1. Name of conveying party:

WHOLE FOODS MARKET SERVICES, INC.

Individual(s) Association
General Partnership Limited Partnership
[X] Corporation-State (Delaware)
Other

Additional name(s) of conveying party(ies) attached? Yes No [X]

3. Nature of conveyance:

[X] Assignment Merger
Security Agreement Change of Name
Other

Effective Date: April 20, 2001

2. Name and address of receiving party:

Name: WHOLE FOODS MARKET IP, INC.

Internal Address:

Street Address: 601 N. Lamar, Suite 300

City: Austin State: TX Zip: 78703

individual(s) citizenship
Association
General Partnership
Limited Partnership
[X] Corporation-State Delaware
Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from Assignment)
Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s):

B. Trademark Registration No.(s): 2,745,699 for the Mark EVERYDAY

Additional numbers attached? Yes No [X]

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Christopher L. Graff

Internal Address: Thompson & Knight LLP

Street Address: 1900 San Jacinto Center, 98 San Jacinto Blvd.

City: Austin State: Texas Zip: 78701-4081

6. Total number of applications and registrations involved

7. Total fee (37 C.F.R. 3.41) \$ 40.00
[\$40 for 1st...\$25 each additional]

[X] Enclosed
Authorized to be charged to deposit account if check insufficient or inadvertently omitted

8. Deposit account number: 20-0821/503320.173010

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Christopher L. Graff

Name of Person Signing

Signature

12/19/03

Date

Total number of pages including cover sheet, attachments and documents:

Mail documents to be recorded with required cover sheet information to:

MAIL STOP ASSIGNMENT
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CERTIFICATE OF MAILING
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Assignment Recordation Services, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

12/19/03

Date

Signature

Christopher L. Graff

TRADEMARK
REEL: 002885 FRAME: 0861

TRADEMARK ASSIGNMENT

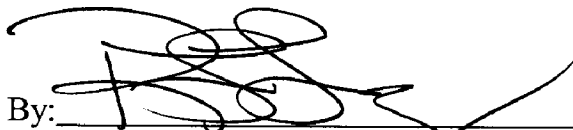
WHEREAS, Whole Foods Market Services, Inc. ("Assignor"), a Delaware corporation having a business address of 601 North Lamar Boulevard, Suite 300, Austin, Texas 78703, has adopted, owns, and is using the mark EVERYDAY (the "Mark") for which Whole Foods Market Services, Inc. has obtained Registration No. 2,745,699 from the U.S. Patent and Trademark Office;

WHEREAS, Whole Foods Market IP, Inc. ("Assignee"), a Delaware corporation having a mailing address of 601 North Lamar Boulevard, Suite 300, Austin, Texas 78703, desires to acquire any and all rights and goodwill associated with the Mark and the above-referenced registration;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Whole Foods Market Services, Inc. does hereby assign to Whole Foods Market IP, Inc., all right, title and interest in and to said Mark, together with the goodwill of the business symbolized by the Mark, and the registration thereof.

Dated effective as of April 20, 2001.

WHOLE FOODS MARKET SERVICES, INC.

By:  _____

Name: Roberta L. Lang

Title: Assistant Secretary